

REMARKS

Applicant appreciates the thorough review of the present application as reflected in the Official Action mailed January 28, 2005. Applicants also appreciate the allowance of Claims 12-20, 22 and 24 and the indication of allowable subject matter in Claims 3-9. Applicants have written Claim 3 in independent form and, therefore, submit that Claims 3-9 are in condition for allowance. Applicants have amended Claims 1, 21 and 23 to clearly recite that the network device is on a network remote from the configuring device and to make clear that the network device does not have an assigned network address. Applicants have cancelled Claim 22 so that no excess claim fees are due as a result of writing Claim 3 in independent form. Applicants submit that the cancellation of Claim 22 is not for reasons of patentability as Claim 22 was indicated as allowed.

The Anticipation Rejections

Claims 1, 2, 21 and 23 stand rejected under 35 U.S.C. § 102 as anticipated by United States Patent No. 6,018,771 to Hayden (hereinafter "Hayden"). Official Action, p. 2. In particular, the Official Action cites to the abstract, Figure 1 and col. 1, line 65 to col. 2, line 7 of Hayden as disclosing the recitations of Claim 1. Official Action, p. 2. These portions of Hayden, however, appear to describe operations that all occur on a single local area network.

As discussed above, Applicants have amended Claims 1, 21 and 23 to recite "establishing a connection from a configuring device to the network device that does not have an assigned network address utilizing an unassigned network address for a network to which the network device is attached, wherein **the network to which the network device is attached is a network remote from the configuring device**" (emphasis added). As discussed in the present Specification beginning on page 9, line 24, devices may be attached to a network local to a device or remote from the device. A remote network is defined in the present specification, stating "[a] network may be considered a remote network to the configuring device 10 if packets transmitted to a network attached device on the network must be routed by a routing layer protocol or higher." Specification, p. 9, lines 27-30. The Specification provides further examples of local and remote networks, stating:

Thus, for example, devices on the same IP subnet as the configuring device **10** may be considered on a local network and devices on a different IP subnet from the IP subnet of the configuring device may be considered on a remote network. Similarly, a device may be considered on a local network if the device may be reached in one hop, whereas the device may be considered on a remote network if two or more hops are required to reach the device.

Specification, p. 9, line 30 to p. 10, line 5. Thus, Claims 1, 21 and 23 recite establishing a connection to a network device on a remote network.

In contrast, Hayden appears to describe operations which all take place on a local area network. See Hayden, col. 3, lines 19-30 and Figure 1. There does not appear to be any discussion of routing messages between different networks. Accordingly, Applicants submit that Hayden does not disclose or suggest establishing a connection from a configuring device to a network device on a network remote from the configuring device.

Applicants further submit that the cited portions of Hayden also do not describe establishing a connection to a network device that has not been assigned an address as is recited in Claims 1, 21 and 23. As discussed above, Applicants have amended Claims 1, 21 and 23 to incorporate recitations from the preamble into the body of the claim to make clear that the network device to which the configuring device is establishing a connection does not have an assigned network address. The cited portions of Hayden at col. 1, line 65 to col. 2, line 7 describe the use of an unassigned multicast address but they do not describe establishing a connection to a device which has no assigned address. While the node of Hayden may assign a multicast address from a pool of multicast addresses, there is no indication that the node itself has no assigned network address. For example, it appears that, in the system of Hayden, all clients and servers are assigned the announcement address A_1 so that they can receive announcements as to the use of the various multicast addresses in the pool of multicast addresses. Hayden, col. 3, lines 35-51. As such, Applicants submit that Hayden does not appear to disclose establishing a connection to a network device that is not assigned an address as is recited in Claims 1, 21 and 23.

In light of the above discussion, Applicants submit that Hayden does not disclose or suggest each of the recitations of Claims 1, 21 and 23. Accordingly, Applicants respectfully request withdrawal of the rejection of these claims.

The Obviousness Rejections

Claims 10 and 11 stand rejected under 35 U.S.C. § 103 as obvious in light of Hayden and United States Patent No. 6,377,990 to Slemmer *et al.* (hereinafter "Slemmer"). Official Action, p. 4. Applicants submit that Claims 10 and 11 are patentable at least as depending from a patentable base claim.

Conclusion

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. O'Sullivan", written over a horizontal line.

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